UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/653,595
Filing Date: August 31, 2000
Appellant(s): TRITZ ET AL.

Edward R. Lawson (Reg. No. 41,931)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 17, 2010 appealing from the Office action

mailed December 15, 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

In Application No. 10/136,042, filed April 30, 2002, which is a continuation of the present Application, a Notice of Appeal was filed on March 1, 2010, and an Appeal Brief was filed on May 3, 2010.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-9, 26-32 and 40.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after the non-final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has the following comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from

which the appeal is taken (as modified by any advisory actions) is being maintained by the

examiner except for the grounds of rejection (if any) listed under the subheading

"WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the

subheading "NEW GROUNDS OF REJECTION." The following comment corrects

typographical errors in the last rejection.

6(a). Whether claims **1-6, 9, 26-30** and 40 are unpatentable under 35 U.S.C. § 103(a)

over

U.S. Patent No. 6,119,103 ("Basch") in view of U.S. Patent No. 6,088,686 ("Walker");

and

6(b). Whether claims 7-8 and 31-32 are unpatentable under 35 U.S.C. § 103(a) over

Basch in view of Walker and further in view of Star Tribune Reference Jan 29, 1998

("DePass")

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the

Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,119,103	BASCH	9-2000
6,088,686	WALKER	7-2000

DEE, DePass "Deluxe, 2 others plan 'debit bureau'//Data warehouse will seek to help

prevent check, debit card fraud" Star Tribune, January 29, 1998, pg. 01.D

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

9(a).   Claims 1-6, 9, 26-30 and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Basch et al (US Patent 6,119,103) in view of Walker et al (US Patent

6,088,686).

Claims 1, and 9, Basch teaches a method and a tangible computer-readable medium

storing computer-readable instructions for for evaluating a financial account applicant for a

financial institution, the method comprising the acts of: by a computer, electronically accessing

credit bureau data for the applicant (See the entire disclosure of Basch especially Abstract,

Figures 2, 3A-B, Column 7 lines 15-65, Column 10 lines 19-32); by the computer, electronically

accessing account information for the applicant (See the entire disclosure of Basch especially

Abstract, Figures 2, 3A-B, Column 7 lines 15-65, Column 10 line 49 – Column 11 line 10,

account data from account issuers includes this feature); by the computer, inputting the credit

bureau data and the account information into an algorithm that defines a risk model (See the

entire disclosure of Basch especially Abstract, Figures 2, 3A-B, Column 7 lines 15-65, Column

10 line 49 – Column 11 line 10, Account holder level data includes credit bureau data,

combination of Predictive model generation module and Pattern generation/scoring module of

Basch is interpreted to include the scoring module); by the computer, assigning a scoring

variable to at least some data of the credit bureau data and of the account information data and

applying a point value to each of the scoring variables to generate a first score (See the entire

disclosure of Basch especially Figures 7-9, Column 6 line 64 – Column 7 line 65, Column 11

line 37 – Column 13 line 26, Column 17 line 27 –Column 20 line 42, characteristic variables are

interpreted to include scoring variables, account level and account holder level scores implies

this feature); by the computer, electronically generating a final score for the applicant from an

output of the risk model including applying a scaling equation to the first score to generate the

final score for the applicant (See the entire disclosure of Basch especially Figures 7-9, Column

11 line 37 – Column 13 line 26, Column 17 line 27 –Column 20 line 42, characteristic variables

are interpreted to include scoring variables, weighting implies applying a scaling equation to the

first score). The computerized system of Basch implies a computer-readable medium storing

computer-readable instructions for performing the steps listed in the claim.

Basch does not explicitly teach the feature of determining, by the computer, whether to

open the financial account based on a final score.

Walker teaches the feature of determining, by the computer, whether to open the financial

account based on a final score (See the entire disclosure of Walker especially Column 2 lines 33-

40, Column 11 line 65 – Column 12 line 10, Column 16 lines 19-31).

It would have been obvious to one with ordinary skill in the art at the time of the current

invention to include these features to the disclosure of Basch. The motivation to combine is that

it helps in identifying credit worthy applicants (See Walker Column 1 lines 55-57).

Claims 2, 3, 6, 26, 27 and 30 Walker the features of determining whether to open the

financial account includes the acts of establishing electronic guidelines for the financial

institution and comparing the guidelines against the score to evaluate whether to accept the

application and further comprising the acts of establishing electronic guidelines for the financial

institution and comparing the guidelines against the score to evaluate whether to offer additional

products and services of the financial institution to the applicant (See Walker Column 2 lines 1-

38). The steps of establishing electronic guidelines and comparing the guidelines against the

score are inherent in the disclosure of Walker. Also Walker discloses the act of performing a

preliminary financial account information database search (See the entire disclosure of Walker

especially Column 2 lines 23-38). In this cited portion Walker discloses "The system and method

of the present invention involves the unique processing of a new or existing customer

relationship (blocks 18, 20 and 22) into the credit decision request. This feature enables the

ability to provide new or existing customers (block 10) with an up-front conditional approval

(based on systematic evaluation of credit bureau history, credit score, debt burden, credit policies

and the customer's relationship with the financial institution), subject to required verifications".

The upfront conditional approval and subject to required verifications   implies the act of

performing a preliminary financial account information database search.

Claims 4-5 and 28-29, Walker teaches the features electronically accessing demographic

data for the applicant, and wherein the act of generating a final score includes the act of, by the

computer, basing the final score on the demographic data (See the entire disclosure of Walker

especially Column 12 line 64 - Column 14 line 17); wherein the demographic data includes at

least a one of household income, home ownership, and education level (See the entire disclosure

of Walker especially Column 13 line 19-64).

Claim 40, Basch discloses the feature wherein the score is a numerical score (Implied in

the disclosure of Basch).

9(b).   Claims 7-8 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Basch et al (US Patent 6,119,103) in view of Walker et al (US Patent 6,088,686) and further

in view of DePass (Star Tribune Reference Jan 29, 1998).

Claims 7-8 and 31-32, Basch discloses a method and a tangible computer-readable

medium of claims 1 and 9 as discussed above.

Basch does not explicitly disclose the feature of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause", and denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time.

Depass discloses the features of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause", and denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time (See DePass pages 1 and 2). The features of accessing, searching, and automating the process is already disclosed by Basch and Walker.

It would have been obvious to one with ordinary skill in the art at the time of the current invention to include this feature to the disclosure of Basch. The motivation to combine is that banks can make safer decisions because of the sophisticated predictability scoring (See DePass page 2).

(10) Response to Argument

In response to Appellant's assertion on page 10 of the brief "Basch does not teach or suggest, among other things, a computer-implemented method of automatically evaluating a financial account applicant for a financial institution" the Examiner respectfully disagrees. In Column 19 lines 6-10, Basch teaches automatically evaluating an applicant for a financial account (a personal loan implies a financial account).

In response to Appellant's assertion on page 12 of the brief "Clearly, based on at least the above disclosure in Basch, credit bureau data is not input to the predictive model to generate a risk score", the examiner respectfully disagrees. For instance in Figure 1 of Basch data from external public record stores are received by the Financial risk prediction system (FRPS). Also Basch (Column 7 lines 15-66) discloses FRPS receiving credit Bureau data. If credit bureau data is used in developing the predictive model it is inherent that it is also used in the scoring process.

In response to Appellant's assertion on page 12 of the brief "First, there is nothing in Basch to suggest that a scoring variable is assigned to data and a point value is applied to each scoring variable to generate a score", the examiner respectfully disagrees. As admitted by the Appellant on the same page "The patterns (from 702, 706) are input to account-level scoring logic 712, 714 to generate account-level scores 716, 718. Id., lines 43-46 Fig. 8 of Basch illustrates the technique for deriving the account-level scores 716, 718 in which the input elements (vectors from output 704, 710) are multiplied by a weight W and transformed using a transfer function in layers 808, 810 to be output 820 as the desired score. Col. 17, line 46 through col. 18, line 4. The patterns of output 704, 710 may be combined and input into consolidation logic 730 to derive account holder-level patterns, and the account holder-level score 734 may be generated by account holder-level scoring logic 732 in the same manner. Col. 18, lines 18-27". Hence Basch clearly teaches generating a score based scoring variable that is assigned to data and a point value that is applied to each scoring variable.

In response to Appellant's assertion on page 13 of the brief "Second, there is nothing in Basch to suggest applies a scaling equation to the first score to generate a final score for the applicant", the examiner respectfully disagrees. As illustrated in Basch Figure 9 and Column 18

line 34 – Column 19 line 10, Basch teaches the FRPS generating the characteristic variables

(which are interpreted to include the first score) and weighting the characteristic variables by a

weight W to generate a final score for the applicant. See also Basch Column 11 line 37 - Column

13 line 26, Column 17 line 27 -Column 20 line 42. In Column 19 lines 6-10, Basch teaches

automatically evaluating an applicant for a new financial account (a personal loan implies a new

financial account).

In response to Appellant's assertion on page 13 of the brief "Finally, Basch does not

teach or suggest that the FRPS 100 is used to evaluate a financial account applicant", the

examiner respectfully disagrees. In Column 19 lines 6-10, Basch teaches automatically

evaluating an applicant for a financial account (a personal loan implies a financial account).

In response to Appellant's assertion on page 14 of the brief "Walker also does not teach

or suggest, among other things, a method of automatically evaluating a financial account for a

financial institution, the method including, by a computer, inputting credit bureau data and

account information into an algorithm that defines a risk model, by the computer, assigning a

scoring variable to at least some data of the credit bureau data and of the account information

data and applying a point value to each of the scoring variables to generate a first score, and by

the computer, electronically generating a final score for the applicant from an output of the risk

model including applying a scaling equation to the first score to generate the final score for the

applicant", the examiner would like to point out that Walker is not relied upon to teach these

features. As discussed in the rejection of claims 1 and 9 these features are taught by the

disclosure of Basch. Walker is relied upon to teach the features of determining, by a computer,

whether to open the financial account based on a comparison of a score to a financial institution's

pre-established policy rules and guidelines (See Walker Column 2 lines 15-21. In the cited

portion Walker discloses "the system immediately analyzes an applicant's credit bureau history,

automated credit scoring, credit policies and the applicant's new or existing relationship with the

financial institution, if any, and provides these results to the LBR in a summarized format"); and

outputting the determination of whether to open the financial account to a computer display at

the financial institution (See Walker Column 11 line 65 - Column 12 line 10 and Claim 18).

Hence Basch in combination with Walker teaches all the steps claimed in claims 1 and 9.

The motivation to combine is that it helps in identifying credit worthy applicants (See Walker

Column 1 lines 55-57).

In response to Appellant's assertion on page 17 of the brief "Basch and Walker, alone or

in combination, do not teach or suggest, among other things, a tangible computer-readable

medium storing computer-readable instructions for evaluating a financial account applicant for a

new financial account", the Examiner respectfully disagrees. As discussed in the rejection the

computerized system of Basch implies a computer-readable medium storing computer-readable

instructions for performing the steps listed in the claim.

In response to Appellant's assertion on page 18 of the brief "DePass also does not teach

or suggest, among other things, a computer-implemented method of automatically evaluating a

financial account applicant for a financial institution, the method comprising the acts of, by a

computer, inputting credit bureau data and account information into an algorithm that defines a

risk model, by the computer, assigning a scoring variable to at least some data of the credit

bureau data and of the account information data and applying a point value to each of the scoring

variables to generate a first score, by the computer, electronically generating a final score for the

applicant from an output of the risk model including applying a scaling equation to the first score

to generate the final score for the applicant, or, by the computer, determining whether to open the

financial account based on the final score. Rather, DePass merely discloses that a debit bureau

uses sophisticated mathematical formulas and information about a customer's credit and check

writing history and that a credit scoring number is generated by taking the product of all the

number-crunching. Paragraph 6. DePass is silent as to the sophisticated mathematical formulas

and number-crunching. In DePass, there is no disclosure of assigning a scoring variable to at

least some data of the credit bureau data and of the account information data, applying a point

value to each of the scoring variables to generate a first score, or electronically generating a final

score for the applicant from an output of the risk model including applying a scaling equation to

the first score to generate the final score for the applicant", the examiner would like to point out

that DePass is not relied upon to teach these features. As discussed in the rejection of claims 7

and 8 these features are taught by the disclosure of Basch. Similar reasoning and logic applies to

the arguments against the rejections of claims 31 and 32.

Hence the combination of disclosures of Basch, Walker and DePass teaches all the

features of claims 7-8 and 31-32. The motivation to combine is that banks can make safer

decisions because of the sophisticated predictability scoring (See DePass page 2).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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